

LAW OFFICE OF JOHN P. GIBBONS, LLC

ONE NORFOLK STREET • DEDHAM, MA 02026

Tel. 781-326-2200 • FAX 781-326-8956

JOHN P. GIBBONS, ESQUIRE
DIANE M. JEFFERS, ESQUIRE

April 9, 2012

Norfolk Superior Court
Attn: Criminal Clerk's Office
650 High Street
Dedham, MA 02026

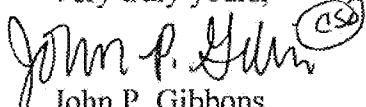
Re: Commonwealth v. [REDACTED]
Norfolk Superior Court
Docket No.: [REDACTED]

Dear Sir/Madam:

Enclosed for filing and docketing relative to the above-captioned matter, please find Defendant's Motion for Discovery and Certificate of Service.

Thank you for your attention to this matter. Please do not hesitate to contact my office should you have any questions in this regard.

Very truly yours,


John P. Gibbons

JPG/csg
Enclosures

cc: Keith J. McCray, Esq.
Norfolk County District Attorney's Office
45 Shawmut Road
Canton, MA 02021

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

**NORFOLK SUPERIOR COURT
DOCKET NO.: [REDACTED]**

COMMONWEALTH OF MASSACHUSETTS,

VS.

DEFENDANT'S MOTION FOR DISCOVERY

Now comes the Defendant in the above-referenced matter and requests this Honorable Court, pursuant to Rule 14(a)(1)(A)(iii), (vii), and (a)(2) of the Massachusetts Rules of Criminal Procedure, to order the Commonwealth to produce, in discovery, the answer to the following questions and to produce the related documents. As grounds for the Motion, Defense Counsel states that the substances in this case were received at the State Lab on December 1, 2010, and analyzed on December 14, 2010 and December 23, 2010. See attached Exhibit A. On February 3, 2012, the District Attorney's Office sent a letter to Defense Counsel regarding a "possible breach of protocol with respect to some drug samples" and related to what is alleged to be a chain of custody issue involving Annie Dookhan, one of the analysts involved in testing the substances in this case. See attached Exhibit B. The letter from the District Attorney's Office references a February 1, 2012 letter from the State Laboratory itself, which notified the District Attorney's Office of the "possible breach of protocol." See attached Exhibit C. The questions are as follows:

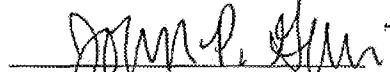
1. What were the dates the 90 samples were received at the State Laboratory?

2. What were the dates the 90 samples were analyzed at the State Laboratory?
3. From which towns were the 90 samples received?
4. Who were the second analysts on the 90 samples?
5. When was the possible breach of protocol first discovered?
6. How was it discovered? I.e., was it a self-disclosure, the result of an audit, etc.?
7. How did the State Laboratory determine there are only 90 cases affected?
8. Were there any remedial measures undertaken by the State Laboratory as a result of this possible breach of protocol, including but not limited to changes in policy, training, hiring, etc. If so, the Defendant requests production of such measures.
9. The Defendant requests production of the State Laboratory Policies and Procedures related to evidence collection, security, and chain of custody.
10. The Defendant requests production of all chain of custody documents, reports, and memoranda involving the substances tested in this case, including before the discovery of this possible breach of protocol, and after such discovery, including but not limited to during any re-test.
11. Most analyses involve a preliminary step and a confirmatory step, involving two different analysts. Are there any other analysts under investigation?
12. What is the status of Ms. Dookhan's current employment at the State Laboratory?
13. Will Ms. Dookhan be available to testify in this case?
14. Have the substances involved in this case been re-tested? If not, will they be?
15. If the substances involved in this case are going to be re-tested, the Defendant requests production of all chain of custody documents, reports, and memoranda.

As grounds for the Motion, the Defendant states that the production of answers to these questions and the related requests for production of documents are essential to ensure that she is able to fully cross-examine any and all witnesses called by the

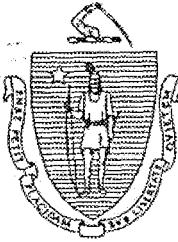
Commonwealth and to ensure that she otherwise receives a fair trial, as guaranteed to her by the United States Constitution and Article XVII of the Massachusetts Declaration of Rights.

Respectfully submitted,
Teresa Susi,
By her attorney,


John P. Gibbons, BBO #190730
Law Office of John P. Gibbons, LLC
One Norfolk Street
Dedham, MA 02026
Phone: 781-326-2200
Fax: 781-326-8956

Dated: April 9, 2012

Exhibit “A”



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/23/2010

NO. [REDACTED]

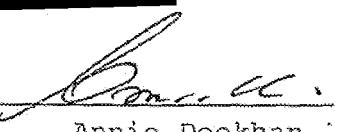
I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:
The substance was found to contain:
NO Narcotic or Illegal Drugs were found.

DEFENDANT: [REDACTED]

ASSISTANT ANALYST


Annie Dookhan

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



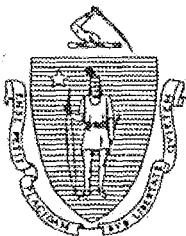
Daniela Frasca
Notary Public
Commonwealth of Massachusetts
My commission expires on
December 17, 2015




Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015

Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/28/2010

NO. [REDACTED]

I hereby certify that the Substance
Contained in 3 vials
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class B..

NET WEIGHT: 8.50 grams [REDACTED]

DEFENDANT: [REDACTED]

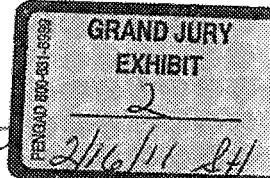
ASSISTANT ANALYST

Annie Dookhan

Kate Corbett

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

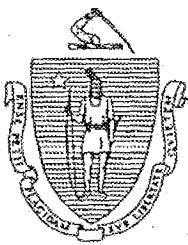
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| | Daniela Frasca Notary Public Commonwealth of Massachusetts My commission expires on December 17, 2015 |
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Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015

Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/28/2010

NO. [REDACTED]

I hereby certify that the Substance
Contained in 1 grinder
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class B.

NET WEIGHT: 1.18 grams

DEFENDANT: [REDACTED]

ASSISTANT ANALYST

Annie Dookhan

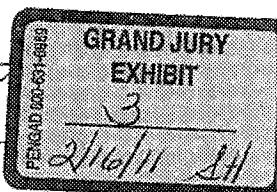
Kate Corbett

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



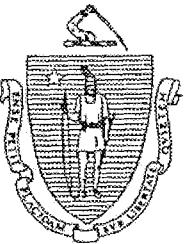
Daniela Frasca
Notary Public
Commonwealth of Massachusetts
My commission expires on
December 17, 2015

Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015



Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the imposition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/28/2010

NO. [REDACTED]

I hereby certify that the Substance
Contained in 16 plastic bags
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class B.

The identification of the contents of the 16 plastic bags was determined by analysis of a representative sample of 10 plastic bags. The net weight of the 16 plastic bags was derived from the average weight of the sampled plastic bags.

NET WEIGHT: 26.06 grams

DEFENDANT: [REDACTED]

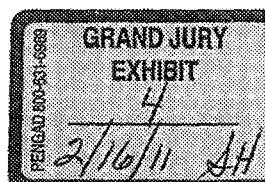
ASSISTANT ANALYST

Annie Dookhan

Kate Corbett

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

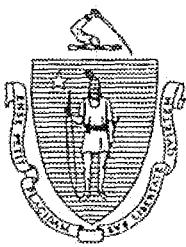
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| | Daniela Frasca Notary Public Commonwealth of Massachusetts My commission expires on December 17, 2015 |
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Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015

Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/28/2010

NO. [REDACTED]

I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled
Substance Act, Section 31, Class B.

NET WEIGHT: 27.66 grams

DEFENDANT: [REDACTED]

ASSISTANT ANALYST

Annie Dookhan

Kate Corbett

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



Daniela Frasca
Notary Public
Commonwealth of Massachusetts
My commission expires on
December 17, 2015

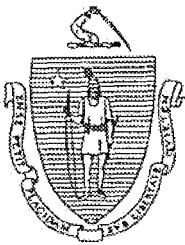
GRAND JURY
EXHIBIT

FBI/DOJ/DOA/DOJ/DOA

Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015

Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/23/2010

NO. [REDACTED]

I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:
The substance was found to contain:
NO Narcotic or Illegal Drugs were found.

DEFENDANT: [REDACTED]

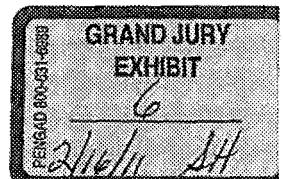
ASSISTANT ANALYST

Annie Dookhan
Annie Dookhan

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

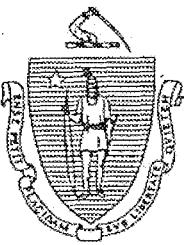
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| | Daniela Frasca Notary Public Commonwealth of Massachusetts My commission expires on December 17, 2015 |
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[Signature]
Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015



Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/28/2010

NO. [REDACTED]

I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled
Substance Act, Section 31, Class B.

NET WEIGHT: 3.32 grams

DEFENDANT: [REDACTED]

ASSISTANT ANALYST

Annie Dookhan

Kate Corbett

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

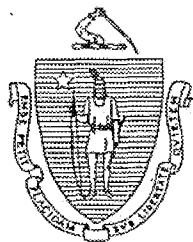


Daniela Frasca
Notary Public
Commonwealth of Massachusetts
My commission expires on
December 17, 2015



Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015

Chapter 111, Section 13 of the General Laws
his certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/28/2010

NO. [REDACTED]

I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class B.

NET WEIGHT: 4.11 grams

DEFENDANT: [REDACTED]

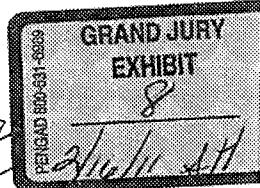
ASSISTANT ANALYST

Annie Dookhan

Kate Corbett

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

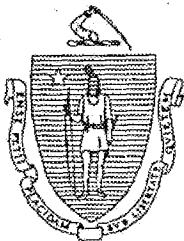
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| | Daniela Frasca Notary Public Commonwealth of Massachusetts My commission expires on December 17, 2015 |
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Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015

Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



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Executive Office of Health and Human Services
Department of Public Health
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GOVERNOR

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LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/28/2010

NO. [REDACTED]

I hereby certify that the 2 Tablets
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The tablets were found to contain:

Hydrocodone (dihydrocodeinone), a derivative of codeine, a derivative of opium, defined in Chapter 94 C, Controlled Substance Act, Section 31 Section 31, Class C.

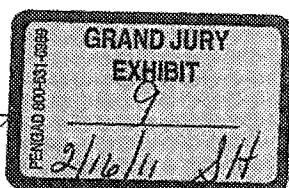
DEFENDANT: [REDACTED]

ASSISTANT ANALYST

Annie Dookhan *Kate Corbett*
Annie Dookhan Kate Corbett

On this 29th day of December 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

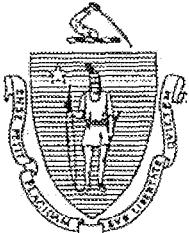
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| | Daniela Frasca Notary Public Commonwealth of Massachusetts My commission expires on December 17, 2015 |
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Daniela Frasca, NOTARY PUBLIC
My commission expires on December 17, 2015

Chapter 111, Section 13 of the General Laws

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The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130
617-983-6622

Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Judyann Bigby, MD
Secretary

John Auerbach
Commissioner

NO. [REDACTED]

I hereby certify that the Vegetable Matter
Contained in 6 jars
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/14/2010

MARKED: [REDACTED]

Has been examined with the following results:

The vegetable matter was found to contain:

Marijuana, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class D.

The identification of the contents of the 6 jars was determined by analysis of a representative sample of 3 jars. The net weight of the 3 jars analyzed is 56.00 grams.

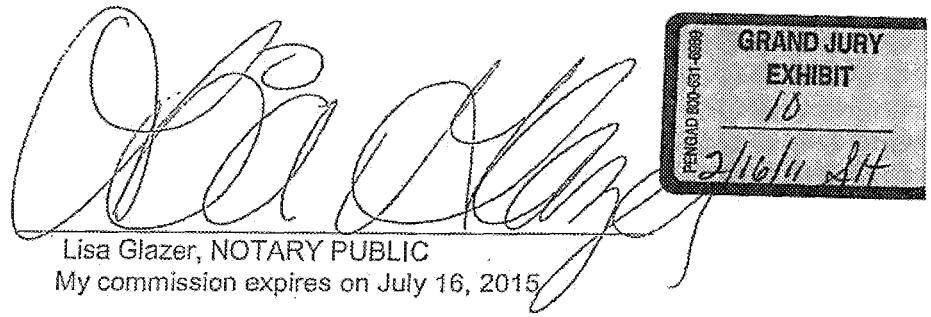
DEFENDANT: [REDACTED]

ASSISTANT ANALYST

Annie Dookhan

On this day December 15, 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

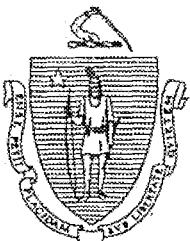
| | |
|--|--|
| | Lisa Glazer Notary Public Commonwealth of Massachusetts My commission expires on July 16, 2015 |
|--|--|



Lisa Glazer, NOTARY PUBLIC
My commission expires on July 16, 2015

Chapter 111, Section 13 of the General Laws

This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Judyann Bigby, MD
Secretary

John Auerbach
Commissioner

NO. [REDACTED]

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130
617-983-6622

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/14/2010

I hereby certify that the Vegetable Matter
Contained in 9 plastic bags
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:

The vegetable matter was found to contain:

Marijuana, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class D.

The identification of the contents of the 9 plastic bags was determined by analysis of a representative sample of 3 plastic bags. The net weight of the 3 plastic bags analyzed is 50.00 grams.

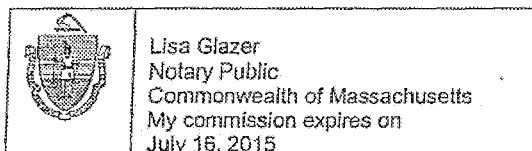
DEFENDANT: [REDACTED]

ASSISTANT ANALYST

[Signature] Annie Dookhan



On this day December 15, 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

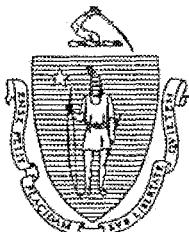


Lisa Glazer
Notary Public
Commonwealth of Massachusetts
My commission expires on
July 16, 2015

[Signature] Lisa Glazer, NOTARY PUBLIC
My commission expires on July 16, 2015

Chapter 111, Section 13 of the General Laws

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Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Judyann Bigby, MD
Secretary

John Auerbach
Commissioner

NO. [REDACTED]

I hereby certify that the Vegetable Matter
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

DATE RECEIVED: 12/01/2010
DATE ANALYZED: 12/14/2010

MARKED: [REDACTED]

Has been examined with the following results:
The vegetable matter was not tested.

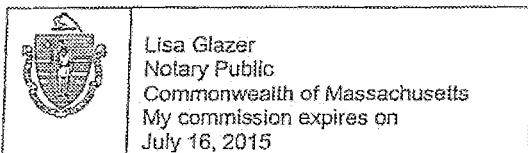
DEFENDANT: [REDACTED]

ASSISTANT ANALYST

Annie Dookhan

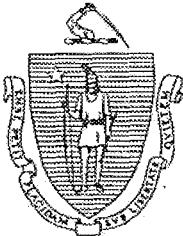


On this day December 15, 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



Lisa Glazer, NOTARY PUBLIC
My commission expires on July 16, 2015

Chapter 111, Section 13 of the General Laws
This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Judyann Bigby, MD
Secretary

John Auerbach
Commissioner

NO. [REDACTED]

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130
617-983-6622

DATE RECEIVED: 12/01/2010

DATE ANALYZED: 12/14/2010

I hereby certify that the Vegetable Matter
Contained in 1 plastic bag
Submitted by Detective Sergeant JOHN HANNON of the Foxboro Police
Dept.

MARKED: [REDACTED]

Has been examined with the following results:
The vegetable matter was found to contain:
Marijuana, as defined in Chapter 94 C, Controlled Substance Act, Section
31, Class D.

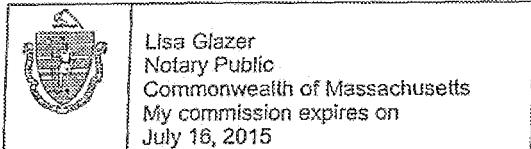
DEFENDANT: [REDACTED]

ASSISTANT ANALYST

Annie Dookhan
Annie Dookhan



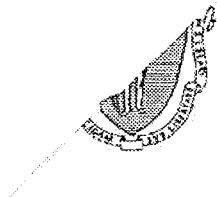
On this day December 15, 2010, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



Lisa Glazer
Lisa Glazer, NOTARY PUBLIC
My commission expires on July 16, 2015

Chapter 111, Section 13 of the General Laws
This certificate shall be sworn to before a Justice of the Peace or Notary Public, and the jurat shall contain a statement that the subscriber is the analyst or assistant analyst of the department. When properly executed, it shall be prima facie evidence of the composition, quality, and the net weight of the narcotic or other drug, poison, medicine, or chemical analyzed, and the court shall take judicial notice of the signature of the analyst or assistant analyst, and of the fact that he/she is such.

Exhibit “B”



The Commonwealth of Massachusetts

Office of the District Attorney FOR THE NORFOLK DISTRICT

Michael W. Morrissey
District Attorney

45 Shawmut Road
Canton, MA 02021
(781) 830-4800
(781) 830-4801 (fax)

February 3, 2012

John P. Gibbons, Esq.
1 Norfolk Street
Dedham, MA 02026

Re: Commonwealth v. [REDACTED]
[REDACTED]

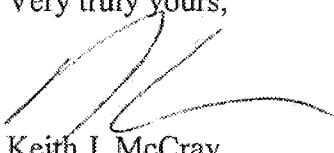
Dear Attorney Gibbons:

Enclosed please find a letter my office received from the Department of Public Health regarding a possible breach of protocol with respect to some drug samples. While not named in the DPH letter, the chemist being investigated is Annie Dookhan, the chemist who analyzed the substances in our case. It is the understanding of this office that the chemist may have directly taken evidence from the evidence locker for testing without properly signing for the same and/or obtaining the co-signature of the evidence officer.

The substances involved in our case are not among the ninety samples mentioned in the DPH letter. I have not been provided any indication that the testing in our case was compromised in any way. I share with you the letter out of an abundance of caution to notify you of the DPH investigation.

If I receive any further information about this matter I will forward it to you immediately. If you have any questions, please contact me at (781) 830-4800, ext. 327.

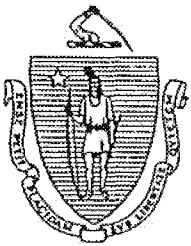
Very truly yours,



Keith J. McCray
Assistant District Attorney

Enclosure

Exhibit “C”



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

February 1, 2012

Michael W. Morrissey, Norfolk District Attorney
Norfolk District Attorney's Office
45 Shawmut Road
Canton, MA, 02021

Dear District Attorney Morrissey,

I am writing to inform you that we are currently investigating a possible breach of protocol with respect to ninety drug samples tested at the William A. Hinton State Laboratory Institute. These ninety samples were received exclusively from Norfolk County and assigned for analysis on the same day. Attached is a list of the control numbers for the samples identified in the investigation.

At this time, there is no evidence that this had an impact on the integrity of the samples or the accuracy of the sample analysis. Please be assured that measures were immediately taken to ensure proper compliance with protocol procedures.

Additional information will be provided upon completion of the investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Han".

Linda Han, MD, MPH, Director
Bureau of Laboratory Sciences

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

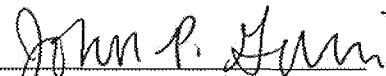
NORFOLK SUPERIOR COURT
DOCKET NO.: [REDACTED]

COMMONWEALTH OF MASSACHUSETTS,)
)
)
vs.)
[REDACTED])
)

)

CERTIFICATE OF SERVICE

I, John P. Gibbons, hereby certify that a copy of the Defendant's Motion for Discovery was served, by mailing a copy of same, first-class mail, postage prepaid, to Keith J. McCray, Esquire, Norfolk County District Attorney's Office, 45 Shawmut Road, Canton, MA 02021 this 9th day of April, 2012.


John P. Gibbons

Dated: April 9, 2012